

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 49

Introduced by Assembly Members Feuer and Huffman

December 1, 2008

An act to add Part 2.55 (commencing with Section 10608) to, *and to repeal and add Part 2.8 (commencing with Section 10800) of*, Division 6 of the Water Code, relating to water ~~conservation~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 49, as amended, Feuer. Water conservation: ~~urban water use~~. *agricultural water management planning*.

Existing

(1) *Existing* law requires the Department of Water Resources to convene an independent technical panel to provide information to the department and the Legislature on new demand management measures, technologies, and approaches. "Demand management measures" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

This bill would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. *The state would be required to make incremental progress towards this goal by reducing per capita water use by at least 10% on or before December 31, 2015. The bill would require the department to develop, by December 31, 2010, and through a public participation process, regional urban water use targets and interim regional urban water use targets in accordance with specified requirements. The bill would require agricultural water suppliers to implement water use efficiency*

best management practices and would impose related reporting requirements on agricultural water suppliers. The bill would require the department, in consultation with other state agencies, to develop a single standardized water use reporting form. The bill, with certain exceptions, would condition eligibility for certain water management grants or loans to urban water suppliers and agricultural water suppliers on the implementation of water conservation requirements established by the bill.

(2) Existing law, until January 1, 1993, and thereafter only as specified, requires certain agricultural water suppliers to prepare and adopt water management plans.

This bill would substantially revise existing law relating to agricultural water management planning to require agricultural water suppliers to prepare and adopt agricultural water management plans with specified components on or before December 31, 2011, and December 31, 2015, and on or before December 31 every 5 years thereafter. An agricultural water supplier that becomes an agricultural water supplier after December 31, 2012, would be required to prepare and adopt an agricultural water management plan within one year after becoming an agricultural water supplier. The agricultural water supplier would be required to notify each city or county within which the supplier provides water supplies with regard to the preparation or review of the plan. The bill would require the agricultural water supplier to submit copies of the plan to the department and other specified entities. The bill would provide that an agricultural water supplier is ineligible to receive specified state funds if the supplier does not prepare, adopt, and submit the plan in accordance with the requirements established by the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Part 2.55 (commencing with Section 10608) is
- 2 added to Division 6 of the Water Code, to read:

PART 2.55. WATER CONSERVATION

CHAPTER 1. GENERAL DECLARATION AND POLICY

10608. The Legislature finds and declares all of the following:

(a) Water is a public resource that the California Constitution protects against waste and unreasonable use.

(b) Growing population, climate change, and the need to protect and grow California's economy while protecting and restoring our fish and wildlife habitats make it essential that the state manage its water resources as efficiently as possible.

(c) Reduced water use through conservation provides significant energy and environmental benefits, can help protect water quality, improves streamflows, and reduces greenhouse gas emissions.

(d) The success of state and local water conservation programs to increase efficiency of water use is best determined on the basis of measurable outcomes related to water use or efficiency.

(e) Improvements in technology and management practices offer the potential for increasing water efficiency in California over time, providing an essential water management tool to meet the need for water for urban, agricultural, and environmental uses.

(f) The Governor has called for a 20 percent per capita reduction in urban water use statewide by 2020.

10608.4. It is the intent of the Legislature, by the enactment of this part, to do all of the following:

(a) Require all water suppliers to increase the efficiency of use of this essential resource.

(b) Establish a framework to meet the state targets for urban water conservation identified in this part and called for by the Governor.

(c) Measure increased efficiency of urban water use on a per capita basis.

(d) Establish consistent water use efficiency planning and implementation standards for urban water suppliers and agricultural water suppliers.

(e) Require implementation of specified best management practices for agricultural water suppliers.

(f) Support the economic productivity of California's agricultural, commercial, and industrial sectors.

1 10608.8. (a) *This part does not limit or otherwise affect the*
2 *application of Section 1011.*

3 (b) *This part does not limit or otherwise affect the application*
4 *of Chapter 3.5 (commencing with Section 11340), Chapter 4*
5 *(commencing with Section 11370), Chapter 4.5 (commencing with*
6 *Section 11400), and Chapter 5 (commencing with Section 11500)*
7 *of Part 1 of Division 3 of Title 2 of the Government Code.*

8 (c) *This part may not reduce the total water used in the*
9 *agricultural or urban sectors, because other factors such as*
10 *changes in agricultural economics or population growth may have*
11 *greater effects on water use. This part does not limit the economic*
12 *productivity of California's agricultural, commercial, or industrial*
13 *sectors.*

14
15 *CHAPTER 2. DEFINITIONS*
16

17 10618.12. *Unless the context otherwise requires, the following*
18 *definitions govern the construction of this part:*

19 (a) *"Agricultural water supplier" means a water supplier, either*
20 *publicly or privately owned, providing water to more than 2,000*
21 *acres of agricultural land, or supplying more than 2,000 acre-feet*
22 *of agricultural water annually, excluding recycled water. An*
23 *agricultural water supplier includes a supplier or contractor for*
24 *water, regardless of the basis of right, which distributes or sells*
25 *water for ultimate resale to customers.*

26 (b) *"Base daily per capita water use" means a daily per capita*
27 *water use during a base year or base years determined by the*
28 *department pursuant to subdivision (d) of Section 10608.20 that*
29 *best reflects current normal water use and, to the extent feasible,*
30 *is a base year of 2004 or later.*

31 (c) *"Commercial water user" means a water user that provides*
32 *or distributes a product or service.*

33 (d) (1) *"Daily per capita water use" means the gross water*
34 *use in a calendar year divided by the average number of residents*
35 *during that year divided by 365 days per year.*

36 (2) *For purposes of paragraph (1), the average number of*
37 *residents during that year shall be determined using federal, state,*
38 *and regional population reports supplemented with local*
39 *information and trend-based extrapolations.*

1 (e) “Disadvantaged community” means a community with an
2 annual median household income that is less than 80 percent of
3 the statewide annual median household income.

4 (f) “Gross water use” means the total volume of treated or
5 untreated water entering the distribution system of an urban retail
6 water supplier and excludes agricultural water deliveries and
7 recycled water use.

8 (g) “Industrial water user” means a water user that is primarily
9 a manufacturer or processor of materials as defined by the
10 Standard Industrial Classifications Code numbers 2000 through
11 3999.

12 (h) “Institutional water user” means a water user dedicated to
13 public service. This includes higher education institutions, schools,
14 courts, churches, hospitals, and government facilities.

15 (i) “Locally cost effective” means that the present value of the
16 local benefits of implementing an agricultural best management
17 practice is greater than or equal to the present value of the local
18 cost of implementing that measure.

19 (j) “Recycled water use” means any beneficial use of nonpotable
20 recycled water by a retail customer of the urban retail water
21 supplier which helps meet an urban retail water suppliers gross
22 water use.

23 (k) “Urban retail water supplier” means a water supplier, either
24 publicly or privately owned, that directly provides municipal water
25 to more than 3,000 end users or that supplies more than 3,000
26 acre-feet of water annually.

27 (l) “Urban wholesale water supplier,” either publicly or
28 privately owned, means a water supplier that provides more than
29 3,000 acre-feet of water annually at wholesale for municipal
30 purposes.

31 (m) “Water conservation” means the efficient management of
32 water resources for beneficial uses, preventing waste, or
33 accomplishing additional benefits with the same amount of water.

34
35 CHAPTER 1. URBAN WATER SUPPLIERS
36

37 10608.16. (a) The state shall achieve a 20-percent reduction
38 in urban per capita water use in California on or before December
39 31, 2020.

1 (b) The state shall make incremental progress towards the state
2 target specified in subdivision (a) by reducing per capita water
3 use by at least 10 percent on or before December 31, 2015.

4 10608.20. (a) The department shall, through a public
5 participation process, by December 31, 2010, develop regional
6 urban water use targets and interim regional urban water use
7 targets.

8 (b) The targets shall cumulatively result in a statewide
9 20-percent reduction in daily per capita water use by 2020.

10 (c) In developing urban water use targets, the department shall
11 do all of the following:

12 (1) Consider the high efficiency and low per capita water use
13 levels already achieved by some urban water suppliers.

14 (2) Consider climactic differences within the state.

15 (3) Provide flexibility to urban water suppliers and regions in
16 meeting the targets.

17 (4) Define the base year or years and determine statewide base
18 daily per capita water use.

19 (d) The department shall, through a public participation process,
20 by December 31, 2010, develop per capita water use calculation
21 procedures with public input. The calculation procedures shall
22 include all of the following:

23 (1) Methods for computing base daily per capita water use for
24 commercial, industrial, and institutional water users.

25 (2) Methods for computing current per capita water use for
26 commercial, industrial, and institutional water users.

27 (3) Methods for computing current per capita residential water
28 use.

29 (4) Methods for computation at geographic scales including
30 urban retail water supplier, urban wholesale water supplier,
31 regional water management group, integrated regional water
32 management funding area, hydrologic region, or other appropriate
33 geographic scales.

34 (e) Per capita water use calculation procedures developed by
35 the department shall not include nonpotable recycled water in
36 computing per capita water use.

37 10608.24. (a) Each urban retail water supplier shall meet its
38 interim urban water use target by December 31, 2015.

39 (b) Each urban retail water supplier shall meet its urban water
40 use target by December 31, 2020.

1 10608.28. (a) An urban retail water supplier may meet its
2 urban water use target within its retail service area, or by
3 participation in cooperative programs at geographic scales
4 including urban wholesale water supplier, regional water
5 management group, integrated regional water management funding
6 area, hydrologic region, or other appropriate geographic scales
7 for which computation methods have been developed by the
8 department.

9 (b) An urban retail water supplier may meet its urban water
10 use target entirely through efficiency gains in its residential water
11 use sector, entirely through efficiency gains in its commercial,
12 institutional, and industrial sector, or through some combination
13 between the two sectors.

14 10608.32. All costs incurred pursuant to this part by a water
15 utility regulated by the Public Utilities Commission may be
16 recoverable in rates subject to review and approval by the Public
17 Utilities Commission, and may be recorded in a memorandum
18 account and reviewed for reasonableness by staff of the Public
19 Utilities Commission.

20 10608.36. Urban wholesale water suppliers shall include in
21 the urban water management plans required pursuant to Part 2.6
22 (commencing with Section 10610) an assessment of their present
23 and proposed future measures, programs, and policies to help
24 achieve the water use reductions required by this part.

25 10608.40. Urban water retail suppliers shall report to the
26 department on their progress in meeting their urban use water
27 targets as part of their urban water management plans submitted
28 pursuant to Section 10631.

29 10608.44. State agencies shall reduce water use on facilities
30 they own or operate to support urban retail water suppliers in
31 meeting the target identified in Section 10608.16.

32
33 CHAPTER 2. AGRICULTURAL WATER SUPPLIERS
34

35 10608.48. (a) On or before July 31, 2012, an agricultural
36 water supplier shall implement water use efficiency best
37 management practices pursuant to subdivisions (b) and (c).

38 (b) Agricultural water suppliers shall implement all of the
39 following critical best management practices:

1 (1) Measure the volume of water delivered to customers with
2 sufficient accuracy to comply with subdivision (a) of Section 531.10
3 and to implement volumetric pricing pursuant to paragraph (4).

4 (2) Designate a water conservation coordinator who will
5 develop and implement the water management plan and prepare
6 progress reports.

7 (3) Provide for the availability of water management services
8 to water users. These services may include, but are not limited to,
9 all of the following:

10 (A) On-farm irrigation and drainage system evaluations.

11 (B) Normal year and real-time irrigation scheduling and crop
12 evapotranspiration information.

13 (C) Surface water, groundwater, and drainage water quantity
14 and quality data.

15 (D) Agricultural water management educational programs and
16 materials for farmers, staff, and the public.

17 (4) Adopt a pricing structure for water customers based at least
18 in part on quantity delivered.

19 (5) Evaluate the policies of agencies that provide the supplier
20 with water to identify the potential for institutional changes to
21 allow more flexible water deliveries and storage.

22 (6) Evaluate and improve the efficiencies of the supplier's
23 pumps.

24 (c) Agricultural water suppliers shall implement additional best
25 management practices, including, but not limited to, practices to
26 accomplish all of the following, if the measures are locally cost
27 effective and technically feasible:

28 (1) Facilitate alternative land use for lands with exceptionally
29 high water duties or whose irrigation contributes to significant
30 problems, including drainage.

31 (2) Facilitate use of available recycled water that otherwise
32 would not be used beneficially, meets all health and safety criteria,
33 and does not harm crops or soils.

34 (3) Facilitate the financing of capital improvements for onfarm
35 irrigation systems.

36 (4) Implement an incentive pricing structure that promotes one
37 or more of the following goals:

38 (A) More efficient water use at the farm level.

39 (B) Conjunctive use of groundwater.

40 (C) Appropriate increase of groundwater recharge.

1 (D) *Reduction in problem drainage.*

2 (E) *Improved management of environmental resources.*

3 (F) *Effective management of all water sources throughout the*
4 *year by adjusting seasonal pricing structures based on current*
5 *conditions.*

6 (5) *Line or pipe distribution systems and construct regulatory*
7 *reservoirs to increase distribution system flexibility and capacity,*
8 *decrease maintenance, and reduce seepage.*

9 (6) *Increase flexibility in water ordering by, and delivery to,*
10 *water customers within operational limits.*

11 (7) *Construct and operate supplier spill and tailwater recovery*
12 *systems.*

13 (8) *Increase planned conjunctive use of surface and groundwater*
14 *within the supplier service area.*

15 (9) *Automate canal control structures.*

16 (10) *Facilitate or promote customer pump testing and*
17 *evaluation.*

18 (d) *Agricultural water suppliers shall report to the department*
19 *on which best management practices have been implemented and*
20 *are planned to be implemented, an estimate of the water savings*
21 *that have occurred since the last report, and an estimate of the*
22 *water savings estimated to occur five and 10 years in the future.*
23 *If an agricultural water supplier determines that a best*
24 *management practice is not locally cost effective or technically*
25 *feasible, the supplier shall submit information documenting that*
26 *determination.*

27 (e) *The reports shall be submitted to the department on or before*
28 *____, and thereafter in years ending in zero and years ending in*
29 *five.*

30 (f) *Agricultural water supplier reporting requirements may be*
31 *met through the submission to the department of an agricultural*
32 *water management plan required pursuant to Section 10820, or*
33 *developed for the United States Bureau of Reclamation that is*
34 *consistent with this part.*

35 (g) *The reports shall be submitted using a standardized form*
36 *developed pursuant to Section ____.*

37 (h) *The department may update the best management practices*
38 *required pursuant to subdivisions (b) and (c), in consultation with*
39 *the Agricultural Water Management Council, the United States*

1 Bureau of Reclamation, and after technical and public input
2 provided pursuant to Section ____.

3
4 CHAPTER 3. STANDARDIZED DATA COLLECTION

5
6 10608.52. (a) The department, in consultation with the board,
7 the California Bay-Delta Authority, the State Department of Public
8 Health, and the Public Utilities Commission, shall develop a single
9 standardized water use reporting form to meet the water use
10 information needs of each agency.

11 (b) At a minimum, the form shall be developed to accommodate
12 information sufficient to assess an urban water supplier's
13 compliance with conservation targets pursuant to Section 10608.24
14 and an agricultural water supplier's compliance with
15 implementation of best management practices pursuant to
16 subdivision (a) of Section 10608.48.

17
18 CHAPTER 4. GENERAL PROVISIONS

19
20 10608.56. (a) Beginning August 1, ____, the terms of, and
21 eligibility for, a water management grant or loan made to urban
22 retail water suppliers and awarded or administered by the
23 department, board, or California Bay-Delta Authority or its
24 successor agency shall be conditioned on the implementation of
25 this part.

26 (b) Beginning January 1, ____, the terms of, and eligibility for,
27 a water management grant or loan made to agricultural water
28 suppliers and awarded or administered by the department, board,
29 or California Bay-Delta Authority or its successor agency shall
30 be conditioned on the implementation of this part.

31 (c) Notwithstanding subdivision (a), the department shall
32 determine that an urban retail water supplier is eligible for a water
33 management grant or loan even though the supplier has not met
34 the per capita reductions required pursuant to Section 10608.24,
35 if the urban retail water supplier has submitted to the department
36 for approval a schedule, financing plan, and budget, to be included
37 in the grant or loan agreement, for achieving the per capita
38 reductions. The supplier may request grant or loan funds to achieve
39 the per capita reductions to the extent the request is consistent

1 with the eligibility requirements applicable to the water
2 management funds.

3 (d) Notwithstanding subdivision (b), the department shall
4 determine that an agricultural water supplier is eligible for a water
5 management grant or loan even though the supplier is not
6 implementing all of the best management practices described in
7 Section 10608.48, if the agricultural water supplier has submitted
8 to the department for approval a schedule, financing plan, and
9 budget, to be included in the grant or loan agreement, for
10 implementation of the best management practices. The supplier
11 may request grant or loan funds to implement the best management
12 practices to the extent the request is consistent with the eligibility
13 requirements applicable to the water management funds.

14 (e) Notwithstanding subdivision (a), the department shall
15 determine that an urban retail water supplier is eligible for a water
16 management grant or loan even though the supplier has not met
17 the per capita reductions required pursuant to Section 10608.24,
18 if the urban retail water supplier has submitted to the department
19 for approval documentation demonstrating that their entire service
20 area qualifies as a disadvantaged community.

21 10608.60. (a) It is the intent of the Legislature that funds made
22 available by Section 75026 of the Public Resources Code should
23 be expended, consistent with Division 43 (commencing with Section
24 75001) of the Public Resources Code and upon appropriation by
25 the Legislature, for grants to implement this part. In the allocation
26 of funding, it is the intent of the Legislature that the department
27 give consideration to disadvantaged communities to assist in
28 implementing the requirements of this part.

29 (b) It is the intent of the Legislature that funds made available
30 by Section 75041 of the Public Resources Code should be expended
31 consistent with Division 43 (commencing with Section 75001) of
32 the Public Resources Code and, upon appropriation by the
33 Legislature, for direct expenditures to implement this part.

34
35 CHAPTER 5. QUANTIFYING AGRICULTURAL WATER USE
36 EFFICIENCY
37

38 10608.64. The department shall develop a methodology for
39 quantifying the efficiency of agricultural water use. Alternatives
40 to be assessed shall include, but not be limited to, determination

1 of efficiency levels based on crop type or irrigation system
2 distribution uniformity. On or before December 31, 2011, the
3 department shall report to the Legislature on a proposed
4 methodology and a plan for implementation. The plan shall include
5 the estimated implementation costs and the types of data needed
6 to support the methodology.

7 SEC. 2. Part 2.8 (commencing with Section 10800) of Division
8 6 of the Water Code is repealed.

9 SEC. 3. Part 2.8 (commencing with Section 10800) is added
10 to Division 6 of the Water Code, to read:

11
12 PART 2.8. AGRICULTURAL WATER MANAGEMENT
13 PLANNING

14
15 CHAPTER 1. GENERAL DECLARATIONS AND POLICY

16
17 10800. This part shall be known and may be cited as the
18 Agricultural Water Management Planning Act.

19 10801. The Legislature finds and declares all of the following:

20 (a) The waters of the state are a limited and renewable resource.

21 (b) The California Constitution requires that water in the state
22 be used in a reasonable and beneficial manner.

23 (c) Urban water districts are required to adopt water
24 management plans.

25 (d) The conservation of agricultural water supplies is of great
26 statewide concern.

27 (e) There is a great amount of reuse of delivered water, both
28 inside and outside the water service areas.

29 (f) Significant noncrop beneficial uses are associated with
30 agricultural water use, including streamflows and wildlife habitat.

31 (g) Significant opportunities exist in some areas, through
32 improved irrigation water management, to conserve water or to
33 reduce the quantity of highly saline or toxic drainage water.

34 (h) Changes in water management practices should be carefully
35 planned and implemented to minimize adverse effects on other
36 beneficial uses currently being served.

37 (i) Agricultural water suppliers that receive water from the
38 Central Valley Project are required by federal law to prepare and
39 implement water conservation plans.

1 (j) Agricultural water users applying for a permit to appropriate
2 water from the board are required to prepare and implement water
3 conservation plans.

4 10802. The Legislature finds and declares that all of the
5 following are the policies of the state:

6 (a) The conservation of water shall be pursued actively to
7 protect both the people of the state and the state's water resources.

8 (b) The conservation of agricultural water supplies shall be an
9 important criterion in public decisions with regard to water.

10 (c) Agricultural water suppliers shall be required to prepare
11 water management plans to achieve conservation of water.

12
13 *CHAPTER 2. DEFINITIONS*

14
15 10810. Unless the context otherwise requires, the definitions
16 set forth in this chapter govern the construction of this part.

17 10811. "Agricultural water management plan" or "plan"
18 means an agricultural water management plan prepared pursuant
19 to this part.

20 10812. "Agricultural water supplier" has the same meaning
21 as defined in Section 10608.12.

22 10813. "Customer" means a purchaser of water from a water
23 supplier who uses water for agricultural purposes.

24 10814. "Person" means any individual, firm, association,
25 organization, partnership, business, trust, corporation, company,
26 public agency, or any agency of that entity.

27 10815. "Public agency" means any city, county, city and
28 county, special district, or other public entity.

29 10816. "Urban water supplier" has the same meaning as set
30 forth in Section 10617.

31 10817. "Water conservation" means the efficient management
32 of water resources for beneficial uses, preventing waste, or
33 accomplishing additional benefits with the same amount of water.

34
35 *CHAPTER 3. AGRICULTURAL WATER MANAGEMENT PLANS*

36
37 *Article 1. General Provisions*

38
39 10820. (a) An agricultural water supplier shall prepare and
40 adopt an agricultural water management plan in the manner set

1 *forth in this chapter on or before December 31, 2011, and*
2 *December 31, 2015, and on or before December 31 every five*
3 *years thereafter.*

4 *(b) Every supplier that becomes an agricultural water supplier*
5 *after December 31, 2012, shall prepare and adopt an agricultural*
6 *water management plan within one year after the date it has*
7 *become an agricultural water supplier.*

8 *(c) A water supplier that indirectly provides water to customers*
9 *for agricultural purposes shall not prepare a plan pursuant to this*
10 *part without the consent of each agricultural water supplier that*
11 *directly provides that water to its customers.*

12 *10821. (a) An agricultural water supplier shall update its plan*
13 *at least once every five years on or before December 31, in years*
14 *ending in zero and five.*

15 *(b) An agricultural water supplier required to prepare a plan*
16 *pursuant to this part shall notify each city or county within which*
17 *the supplier provides water supplies that the agricultural water*
18 *supplier will be preparing the plan or reviewing the plan and*
19 *considering amendments or changes to the plan. The agricultural*
20 *water supplier may consult with, and obtain comments from, each*
21 *city or county that receives notice pursuant to this subdivision.*

22 *(c) The amendments to, or changes in, the plan shall be adopted*
23 *and submitted in the manner set forth in Article 3 (commencing*
24 *with Section 10840).*

25 26 *Article 2. Contents of Plans*

27
28 *10825. (a) It is the intent of the Legislature in enacting this*
29 *part to allow levels of water management planning commensurate*
30 *with the numbers of customers served and the volume of water*
31 *supplied.*

32 *(b) This part does not require the implementation of water*
33 *conservation programs or practices that are not locally cost*
34 *effective.*

35 *10826. An agricultural water management plan shall be*
36 *adopted in accordance with this chapter. The plan shall do all of*
37 *the following:*

38 *(a) Describe the agricultural water supplier and the service*
39 *area, including all of the following:*

40 *(1) Size of the service area.*

1 (2) *Location of the service area and its water management*
2 *facilities.*

3 (3) *Terrain and soils.*

4 (4) *Climate.*

5 (5) *Operating rules and regulations.*

6 (6) *Water delivery measurements or calculations.*

7 (7) *Water rate schedules and billing.*

8 (8) *Water shortage allocation policies.*

9 (b) *Describe the quantity and quality of water resources of the*
10 *agricultural water supplier, including all of the following:*

11 (1) *Surface water supply.*

12 (2) *Groundwater supply.*

13 (3) *Other water supplies.*

14 (4) *Source water quality monitoring practices.*

15 (5) *Water uses within the agricultural water supplier's service*
16 *area, including all of the following:*

17 (A) *Agricultural.*

18 (B) *Environmental.*

19 (C) *Recreational.*

20 (D) *Municipal and industrial.*

21 (E) *Groundwater recharge.*

22 (F) *Transfers and exchanges.*

23 (G) *Other water uses.*

24 (6) *Drainage from the water supplier service area.*

25 (7) *Water accounting, including all of the following:*

26 (A) *Quantifying the water supplier's water supplies.*

27 (B) *Tabulating water uses.*

28 (C) *Overall water budget.*

29 (8) *Water supply reliability.*

30 (c) *Include an analysis, based on available information, of the*
31 *effect of climate change on future water supplies.*

32 (d) *Describe previous water management activities.*

33 (e) *Include in the plan the water use efficiency information*
34 *required pursuant to Section 10608.48.*

35 10827. *Agricultural water suppliers that are members of the*
36 *Agricultural Water Management Council, and that submit water*
37 *management plans to that council in accordance with the*
38 *"Memorandum of Understanding Regarding Efficient Water*
39 *Management Practices By Agricultural Water Suppliers In*
40 *California," dated January 1, 1999, may submit the water*

1 *management plans identifying water demand management*
2 *measures currently being implemented, or scheduled for*
3 *implementation, to satisfy the requirements of Section 10826.*

4 *10828. (a) Agricultural water suppliers that are required to*
5 *submit water conservation plans to the United States Bureau of*
6 *Reclamation pursuant to either the Central Valley Project*
7 *Improvement Act (Public Law 102-575) or the Reclamation Reform*
8 *Act of 1982, or both, may submit those water conservation plans*
9 *to satisfy the requirements of Section 10826, if both of the following*
10 *apply:*

11 *(1) The agricultural water supplier has adopted and submitted*
12 *the water conservation plan to the United States Bureau of*
13 *Reclamation within the previous four years.*

14 *(2) The United States Bureau of Reclamation has accepted the*
15 *water conservation plan as adequate.*

16 *(b) This part does not require agricultural water suppliers that*
17 *are required to submit water conservation plans to the United*
18 *States Bureau of Reclamation pursuant to either the Central Valley*
19 *Project Improvement Act (Public Law 102-575) or the Reclamation*
20 *Reform Act of 1982, or both, to prepare and adopt water*
21 *conservation plans according to a schedule that is different from*
22 *that required by the United States Bureau of Reclamation.*

23 *10829. An agricultural water supplier may satisfy the*
24 *requirements of this part by adopting an urban water management*
25 *plan pursuant to Part 2.6 (commencing with Section 10610) or by*
26 *participation in area-wide, regional, watershed, or basinwide*
27 *water management planning if those plans meet or exceed the*
28 *requirements of this part.*

29 30 *Article 3. Adoption and Implementation of Plans*

31
32 *10840. Every agricultural water supplier shall prepare its plan*
33 *pursuant to Article 2 (commencing with Section 10825).*

34 *10841. Prior to adopting a plan, the agricultural water supplier*
35 *shall make the proposed plan available for public inspection, and*
36 *shall hold a public hearing on the plan. Prior to the hearing, notice*
37 *of the time and place of hearing shall be published within the*
38 *jurisdiction of the publicly owned agricultural water supplier*
39 *pursuant to Section 6066 of the Government Code. A privately*
40 *owned agricultural water supplier shall provide an equivalent*

1 notice within its service area. After the hearing, the plan shall be
2 adopted as prepared or as modified during or after the hearing.

3 10842. An agricultural water supplier shall implement the plan
4 adopted pursuant to this chapter in accordance with the schedule
5 set forth in its plan, as determined by the governing body of the
6 agricultural water supplier.

7 10843. (a) An agricultural water supplier shall submit to the
8 entities identified in subdivision (b) a copy of its plan no later than
9 30 days after the adoption of the plan. Copies of amendments or
10 changes to the plans shall be submitted to the entities identified
11 in subdivision (b) within 30 days after the adoption of the
12 amendments or changes.

13 (b) An agricultural water supplier shall submit a copy of its
14 plan and amendments or changes to the plan to each of the
15 following entities:

16 (1) The department.

17 (2) Any city, county, or city and county within which the
18 agricultural water supplier provides water supplies.

19 (3) Any groundwater management entity within which
20 jurisdiction the agricultural water supplier extracts or provides
21 water supplies.

22 (4) Any urban water supplier within which jurisdiction the
23 agricultural water supplier provides water supplies.

24 (5) Any city or county library within which jurisdiction the
25 agricultural water supplier provides water supplies.

26 (6) The California State Library.

27 (7) Any local agency formation commission serving a county
28 within which the agricultural water supplier provides water
29 supplies.

30 10844. (a) Not later than 30 days after the date of adopting
31 its plan, the agricultural water supplier shall make the plan
32 available for public review on the agricultural water supplier's
33 Internet Web site.

34 (b) An agricultural water supplier that does not have an Internet
35 Web site shall submit to the department, not later than 30 days
36 after the date of adopting its plan, a copy of the adopted plan in
37 an electronic format. The department shall make the plan available
38 for public review on the department's Internet Web site.

39 10845. (a) The department shall prepare and submit to the
40 Legislature, on or before December 31, 2012, and thereafter in

1 *the years ending in six and years ending in one, a report*
2 *summarizing the status of the plans adopted pursuant to this part.*

3 *(b) The report prepared by the department shall identify the*
4 *outstanding elements of any plan adopted pursuant to this part.*
5 *The report shall include an evaluation of the effectiveness of this*
6 *part in promoting efficient agricultural water management*
7 *practices and recommendations relating to proposed changes to*
8 *this part, as appropriate.*

9 *(c) The department shall provide a copy of the report to each*
10 *agricultural water supplier that has submitted its plan to the*
11 *department. The department shall also prepare reports and provide*
12 *data for any legislative hearing designed to consider the*
13 *effectiveness of plans submitted pursuant to this part.*

14 *(d) This section does not authorize the department, in preparing*
15 *the report, to approve, disapprove, or critique individual plans*
16 *submitted pursuant to this part.*

17
18 *CHAPTER 6. MISCELLANEOUS PROVISIONS*
19

20 *10850. (a) Any action or proceeding to attack, review, set*
21 *aside, void, or annul the acts or decisions of an agricultural water*
22 *supplier on the grounds of noncompliance with this part shall be*
23 *brought pursuant to Section 1085 of the Code of Civil Procedure,*
24 *and the court's review of compliance or noncompliance with this*
25 *part shall extend to whether the plan, or portion thereof, or revision*
26 *thereto, substantially complies with the requirements of this part.*

27 *(b) An action or proceeding alleging failure to adopt a plan*
28 *shall be commenced within 18 months after that adoption is*
29 *required by this part.*

30 *(c) Any action or proceeding alleging that a plan, or action*
31 *taken pursuant to the plan, does not comply with this part shall*
32 *be commenced within 120 days after submitting the plan or*
33 *amendments to the plan to entities in accordance with Section*
34 *10844 or the taking of that action.*

35 *(d) In an action or proceeding to attack, review, set aside, void,*
36 *or annul the acts or decisions of an agricultural water supplier*
37 *made pursuant to this part at a properly noticed public hearing,*
38 *the issues raised shall be limited to those raised in the public*
39 *hearing, or in written correspondence delivered to the agricultural*

1 water supplier prior to, or at, the public hearing, except if the
2 court finds either of the following:

3 (1) The issue could not have been raised at the public hearing
4 by a person exercising reasonable diligence.

5 (2) The body conducting the public hearing prevented the issue
6 from being raised at the public hearing.

7 10851. The California Environmental Quality Act (Division
8 13 (commencing with Section 21000) of the Public Resources
9 Code) does not apply to the preparation and adoption of plans
10 pursuant to this part. This part does not exempt projects for
11 implementation of the plan or for expanded or additional water
12 supplies from the California Environmental Quality Act.

13 10852. An agricultural water supplier that does not prepare,
14 adopt, and submit its agricultural water management plan in
15 accordance with this part is ineligible to receive funds made
16 available pursuant to any program administered by the board, the
17 department, or the California Bay-Delta Authority, or participate
18 in any drought assistance program administered by the state, until
19 the agricultural water management plan is submitted pursuant to
20 this part.

21 ~~SECTION 1. Part 2.55 (commencing with Section 10608) is~~
22 ~~added to Division 6 of the Water Code, to read:~~

23
24 ~~PART 2.55. WATER CONSERVATION~~

25
26 ~~CHAPTER 1. GENERAL DECLARATIONS AND POLICY~~

27
28 ~~10608. The Legislature finds and declares all of the following:~~

29 ~~(a) Water is a public resource that the California Constitution~~
30 ~~protects against waste and unreasonable use.~~

31 ~~(b) Growing population, climate change, and the need to protect~~
32 ~~California's fish and wildlife make it essential that the state manage~~
33 ~~its water resources as efficiently as possible.~~

34 ~~(c) Reduced water use through conservation provides significant~~
35 ~~energy and environmental benefits, can help protect water quality,~~
36 ~~improves streamflows, and reduces greenhouse gas emissions.~~

37 ~~(d) The success of state and local water conservation programs~~
38 ~~to increase efficiency of water use is best determined on the basis~~
39 ~~of measurable outcomes related to water use or efficiency.~~

1 ~~(e) Improvements in technology and management practices~~
2 ~~offer the potential for increasing water conservation in California~~
3 ~~over time, providing an essential water management tool to meet~~
4 ~~the need for water for urban, agricultural, and environmental uses.~~

5 ~~(f) The Governor has called for a 20 percent per capita reduction~~
6 ~~in urban water use statewide by 2020.~~

7
8 ~~CHAPTER 2. URBAN WATER USE~~
9

10 ~~10608.4. The state shall achieve a 20-percent reduction in urban~~
11 ~~per capita water use in California on or before December 31, 2020.~~